

Denver Journal of International Law & Policy

Volume 22
Number 1 *Fall*

Article 13

May 2020

Droit D'Ingerence Ou Obligation De Reaction (Right of Interference or Obligation to React?)

Geraldine Cummins

Follow this and additional works at: <https://digitalcommons.du.edu/djilp>

Recommended Citation

Geraldine Cummins, Book Note, 22 Denv. J. Int'l L. & Pol'y 216 (1993).

This Book Note is brought to you for free and open access by Digital Commons @ DU. It has been accepted for inclusion in Denver Journal of International Law & Policy by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

panies in the global software industry is inextricably bound to the continued strength of American intellectual property rights in software.

Greg S. Weber

CORTEN, OLIVIER AND KLEIN, PIERRE, *DROIT D'INGERENCE OU OBLIGATION DE REACTION (RIGHT OF INTERFERENCE OR OBLIGATION TO REACT?)*; Bruylant Publishing, University of Brussels, Brussels, Belgium (1992); FB 1.868 (\$55.00); ISBN 2-8027-0599-7; 283 pp. (softcover).

The thesis of this book lies in the notion that the right of interference stems from the classic international law's inability to effectively insure the respect of human rights inside nations. This treatise by Olivier Corten and Pierre Klein presents a comprehensive view of the law of the right of interference for human rights violations as it exists today and provides a look at the direction the law seems to be taking in the future.

As Professor Jean Salmon of the University of Brussels remarks in his introduction, the right of interference is an integral part of the new world order of which so much is made. Yet, in spite of countless debates over its place in international law, the right remains a rather vague notion. Not only do Corten and Klein wonderfully define the right of interference in a clear and concise manner, they also illustrate each doctrine or definition with concrete and often recent events.

One of this book's appealing features is the ingenuity of its authors, who do not hesitate to confront the fact that political reasons often lie behind publicly claimed humanitarian concerns.

They also do not hesitate to present a wide range of worldwide thinkers and their ideas, offering contradicting theories of various issues. They analyze the legality of interventions under the U.N. Charter as well as regional agreements such as the E.E.C. or the O.A.S. charters.

The book presents a wide array of reactions to the violations of human rights that are actually permissible under international law. These reactions vary from economic sanctions to armed intervention through the U.N. Security Council. The authors argue for the use of these alternatives over the unilateral right of interference that has proven bloody in the past (for example during the Vietnamese intervention in Cambodia in 1979).

In the second chapter of the book's second part, examples of the violations of human rights occurring during the civil war that raged in Somalia starting in 1991 are discussed. Because this book was written in 1992, the authors could not have included (or foreseen) the U.N.-led intervention in that conflict. Instead, they stated that Security Council Resolution 688 (in which the Council asked all member states, among other things, to help provide humanitarian assistance to the Iraqi population) was an isolated incident and not the emergence of a "new right of interference", because no one seemed interested in invoking the Resolution

again in order to help the population of Somalia. History has proven them wrong in the intervention that ensued. Should we then infer the emergence of a "new right of interference" in the form of armed humanitarian interventions led by the U.N. Security Council? Perhaps the authors will soon address this question in a follow-up volume.

Geraldine J. Cummins

THE UNITED NATIONS AND HUMAN RIGHTS: A CRITICAL APPRAISAL; Edited by Philip Alston; Oxford University Press, New York (1992); ISBN 0-19-825450-4; 675 pp. (hardcover).

In this book, Alston has compiled sixteen essays, each analyzing and assessing a different aspect or subdivision of the United Nations' human rights regime. This medium provides the impetus for an insightful and thought-provoking treatment of the growth and status of human rights in the United Nations. Additionally, a multitude of instruments, institutions, and bodies are treated, leaving the reader with a solid working knowledge of current issues and access to many avenues for further exploration.

The book is divided into three sections: "UN Charter-Based Organs," "Organs Monitoring Treaty Compliance," and "Other Issues." The first section contains eight essays, each analyzing a separate body relative to the global pursuit of human rights. Essays by Antonio Cassese and John Quinn each discuss the role assumed by the General Assembly in the human rights arena. Cassese presents a historic evaluation of the General Assembly, taking into account political and structural factors that have played significant roles during the first forty years of General Assembly existence. Quinn discusses General Assembly action in the 1990's and evaluates the current situation of this organ. Other commissions discussed in this section include the Security Council, the Economic and Social Council, and several other relevant commissions.

The second section of the book is devoted to an analysis of five separate committees established to oversee the implementation of their respective human rights instruments. Karl Partsch assesses the Committee on the Elimination of Racial Discrimination, presenting both a view as to the formation and evolution of the Committee and suggestions as to how the Committee could become more effective. The essay by Philip Alston charts the history of the Committee on Economic, Social and Cultural Rights, identifies obstacles and weaknesses facing the Committee, and proposes specific solutions to many of the problems he assesses. Additional essays examine the Human Rights Committee, the Committee on the Elimination of Discrimination Against Women, and the Committee Against Torture. The strength of this section of the book lies in its systematic evaluation of the various representative committees and identification of areas for improvement in light of their given purposes.

The final section of the book contains three separate essays: "The Role of the United Nations Secretariat" by Theo Van Boven, "Lessons